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October 21, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., TW-B204
Washington, D.C. 20554

Re: WC Docket No. 02-314 – Application of Qwest Communications International Inc. for Authorization to Provide In-Region, InterLATA Service in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming

Dear Ms. Dortch:

By this letter, Qwest is responding to the Declaration of Edward F. Stemple, which was filed by AT&T in support of its comments on Qwest's pending application in the above-referenced docket. Qwest will provide further information regarding this matter later this week in its reply comments and supporting declarations. However, due to the serious nature of Mr. Stemple's allegations, and because of questions from the FCC staff and the Department of Justice, Qwest believes that it is important to respond to these claims now.

Mr. Stemple's allegations were brought to my attention immediately after they were first seen in AT&T's comments last week. His charges relate to a visit by the FCC staff on July 23, 2002, to Qwest's CLEC Coordination Center in Omaha, Nebraska (the "QCCC"). Mr. Stemple's allegations are completely inconsistent with Qwest's policies and practices. Nevertheless, we have promptly investigated this matter. As I will summarize below, his declaration largely represents hearsay and innuendo that is directly contradicted by Qwest employees with personal knowledge of the facts upon which Mr. Stemple purports to speak. This letter is intended to provide an overview of the response to be included in Qwest's reply comments, which will be supported by appropriate declarations.

I should begin by noting that Mr. Stemple is a former employee who has exhibited strong hostility to Qwest, including during the time at issue here. In the last few words of his e-mail to Senator John McCain attached to his declaration, Mr. Stemple demonstrated that sentiment: He

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says of Qwest, "Take her down."^{1/} As Mr. Stemple acknowledges in his declaration, Qwest terminated his employment on September 4, 2002. Qwest will describe Mr. Stemple's employment history in a confidential declaration with its Reply Comments.

Mr. Stemple's principal allegation is contained in paragraphs 8 and 9 of his declaration. In those paragraphs he alleges, based upon double hearsay, that a meeting took place before the July 23 visit by the FCC staff to the QCCC. Mr. Stemple admits that he was not present at the alleged meeting. Nevertheless, he asserts that he was "told" by unnamed individuals that other unnamed individuals were allegedly involved in the following meeting:

These employees told me that certain employees had been taken into a room and told by Kathie Simpson, who was second in command at the QCCC, that they had been selected to be observed in the performance of their jobs by the visiting FCC staff.

However, they were also told that, while the FCC people were sitting in, they were not to pull up the MLT screen or to mention MLT. They were also told that, if the FCC staff asked about MLT, they should say that they did not run them. [Stemple Declaration, paras. 8 and 9].

These allegations are absolutely untrue. No such meeting took place and no such instructions were given. In fact, Kathie Simpson (the Qwest manager Mr. Stemple accuses of impropriety) was not even at work on the day in question – she was on vacation the entire week.

Since receiving the Stemple Declaration, Qwest has interviewed each of the service representatives who took part in the July 23 FCC visit to the QCCC – as well as similar visits by the Department of Justice on May 15, 2002 and by the FCC Staff on June 5 and September 27, 2002. Each of the service representatives involved in the visits state that nothing took place that even resembled the alleged meeting or work activity direction described by Mr. Stemple. Each of the service representatives report the following:

- The only instruction they were given for the visits was to show what they did during their jobs.
- They were not told to avoid showing any aspect of the work of the QCCC, including MLT testing.
- They were not told to give any false, misleading or erroneous information.
- They were not told to avoid any subject, including MLT testing.

^{1/} See e-mail from "Swamp Dogg" to Senator McCain attached to Mr. Stemple's Declaration at Attachment 2. Although the e-mail does not contain the name and address of the sender, Qwest assumes that Mr. Stemple in fact is "Swamp Dogg."

In fact, two of the service representatives recall displaying MLT test results during one of the first two visits.

Qwest also disputes Mr. Stemple's allegation that he approached his manager, Jason Best, about "hiding this from federal regulators" and that Mr. Best threatened to fire him if he told the visitors about the MLT testing. Mr. Best states that no such discussion took place. Mr. Best and Mr. Stemple did have a discussion during the July 23 visit. Mr. Best observed Mr. Stemple walking around, rather than performing his job. Mr. Best told Mr. Stemple to return to his work, but Mr. Stemple did not express concerns about hiding things from regulators, and Mr. Best did not threaten to fire Mr. Stemple if he told the FCC Staff about MLT testing.

Even leaving aside strong Qwest policy against the conduct Mr. Stemple alleges, his characterization of the situation does not make sense. There is nothing inappropriate about the MLT testing that Qwest performs at the QCCC. On the contrary, the testing is part of the overall quality check and repair activity that is performed for CLEC orders during the loop cutover process to assure that the provisioned loop will perform as specified.

The QCCC was opened in May, 2001 and is the Qwest Network Overall Control Office that exclusively coordinates the provisioning of unbundled loops for Qwest's 14-state region. One of its primary goals is to improve CLEC satisfaction with the provisioning of unbundled loops, a goal the QCCC has met as demonstrated by relevant performance data. To that end, the QCCC engages in numerous quality assurance processes in the provisioning of unbundled loops to CLECs. For circuits that are being transferred from Qwest retail or wholesale dial tone to a CLEC unbundled loop, Qwest performs several tests in the days before the scheduled transfer. One such provisioning test is the 48-hour dial tone test, in which Qwest verifies that dial tone exists to the CLEC switch. Another such test is the performance of an MLT two to three days prior to the due date for a CLEC unbundled loop. The QCCC instituted this process because it found that it was receiving trouble reports from CLECs shortly after installation of certain loops with marginal performance problems. To ensure that these marginal conditions were repaired prior to turning the loop over to the CLEC and, in turn, the CLEC customer, the QCCC instituted processes for performing an MLT on all unbundled loops it provisioned on behalf of CLECs.

All MLTs that the QCCC performs occur as a part of the provisioning process for unbundled loops. The QCCC does not perform MLTs on behalf of Qwest retail.^{2/} Nor does it perform such tests for CLECs before an LSR is submitted. Similarly, the QCCC does not perform MLTs to determine if a loop could support a particular type of service prior to the submission of an order.

The information returned by the MLT tests done by the QCCC is retained by Qwest only as a record of the loop conversion activities. It is not maintained anywhere as a record of the characteristics of the loop. Because the test is run by the QCCC only on CLEC loop orders and

^{2/} Other divisions of Qwest perform MLT for other primarily repair purposes, but none of those activities result in Qwest's retail operations having access to pre-order loop information that is not available to CLECs.

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after the CLEC submits an LSR, the resulting information is used only to provide assurance that the provisioned loop will perform as specified.

Thus, the MLTs that the QCCC performs have no relationship to or connection with loop qualification. The information returned by the MLT is minimal and is not used to populate any of Qwest's databases that contain loop make up information, such as the Loop Facilities Assignment System ("LFACS") or the Loop Qualification Database. Instead, information from the MLT is "cut" from the coordinator's screen and "pasted" into the remarks section of Qwest's Work Force Administrator (WFA) system. In addition, a hard copy of the CLEC's MLT results is maintained with the other test results for that unbundled loop conversion in a file at the QCCC. This is part of the QCCC's processes for maintaining all documentation associated with each coordinated cut that it performs. The remarks section of WFA is not a readily accessible or searchable field. As noted above, the test results are maintained as part of the record of the loop conversion activity.

Finally, Qwest would like to address an allegation in Mr. Stemple's e-mail to Senator McCain. Mr. Stemple alleges that on July 23 "the management in my center removed all visible reference to what we call MLT testing from bannerboards and team checklists that could be observed by the regulators." Mr. Stemple presumably is referring to employee performance information that addresses whether employee teams are conducting provisioning-related tests as required. More specifically, the QCCC has four provisioning teams that engage in MLT testing in addition to their other duties. The QCCC posts information on a chart-board for each team that includes pages with information on the percentage of time that teams have completed particular tests required in the course of the loop conversion process, including the 48 hour check and the MLT test, as well as other information relevant to the teams' performance of their duties. This is the only signage in the QCCC referencing MLT testing. (The pages do not include test result data from the tests themselves. They track only whether the tests were preformed at all.)

Upon arriving at the QCCC for the May 15 site visit, Nancy Lubamersky, a Senior Director of Qwest's 271 team, noticed the pages referencing MLT testing on the chart-boards and asked that they be removed. She did this not to hide the fact that the QCCC was conducting MLT testing, but because she did not want to trigger a discussion about unrelated technical and policy issues regarding pre-order MLT that she was not prepared to address that day. Ms. Lubamersky has been involved in telecommunications regulatory issues for more than twenty years, and she has a well-deserved reputation for honesty and integrity. It is a source of great pride to Ms. Lubamersky to be able to respond thoroughly to every single question asked by a regulator. In this instance, because she would not be able to respond to potential MLT questions, she asked that the pages referencing MLT testing be taken down. This was a judgment that Ms. Lubamersky greatly regrets. However, it did not reflect any intention to change the operation of the QCCC or mislead regulators. Unfortunately, this initial lapse was repeated during the June 5 FCC visit. Pages referencing MLT test completion were posted on the chart-boards during the July 23 visit although without the MLT label. MLT information was posted and labeled during the September 27 FCC visit.

This background provides important context for the July 25, 2002 e-mail from Mary Pat Cheshier, the Director of Operations of the QCCC, which is attached to Mr. Stemple's

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declaration. Because the references on the chart-boards to the MLT tests had been removed before the first visits, some employees of the QCCC questioned whether there was something wrong with them performing the tests. Ms. Cheshier's e-mail is merely an attempt to clarify for employees that there was nothing improper with performing the MLT tests, and give her imperfect understanding of why the references had been removed. Taken out of context, the e-mail is unfortunately worded, but it was an attempt to explain the truth -- that there is absolutely nothing wrong with the MLT testing that is conducted at the QCCC.

There is one thing that both Ms. Lubamersky and Ms. Cheshier remember vividly. When she asked that the MLT references be taken down, Ms. Lubamersky told Ms. Cheshier that she was not telling her to deviate from normal procedures during the visit. They both remember that Ms. Cheshier's responded that even if Ms. Lubamersky told her to, she would not instruct her people to change what they do just because a regulator is visiting.

In short, the only one of Mr. Stemple's accusations that is factually correct is that information on MLT testing was removed from the chart-boards before certain site visits to the QCCC by regulators. This action, while ill advised, was the result of a lapse in judgment by a Qwest employee. No changes were made to Qwest practices or procedures, and employees were instructed to perform their work in the normal manner during the visit and demonstration. Mr. Stemple and AT&T have not -- as indeed they cannot -- demonstrate otherwise. Indeed, the MLT test and repair activity benefits CLECs.

Finally, and most important, none of these matters should obscure the fundamental fact that Qwest is meeting the statutory requirements of Section 271. Indeed, the activities of the QCCC demonstrate the lengths to which Qwest has gone to meet CLEC needs. AT&T is trying to create a smokescreen through the allegations of a terminated employee with no knowledge of the facts and circumstances to which he speaks. Our reply comments and associated declarations will address this matter further. But none of this is relevant to our application to obtain authority to compete with AT&T in the interexchange market.

Sincerely,



R. Steven Davis